

SENATE FILE NO. SF0081

Campaign finance reporting.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to elections; modifying requirements for  
2 filing campaign reports of receipts and expenditures;  
3 modifying enforcement provisions; and providing for an  
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8       **Section 1.** W.S. 22-25-106(a), (b)(i), (ii), (iii),  
9 (c) and (d), 22-25-107(a)(intro), by creating new  
10 subsections (b) and (c) and by renumbering (b) as (d),  
11 22-25-108(a), (b)(intro) and (c) and 22-25-109 are amended  
12 to read:

13

14       **22-25-106. Filing of campaign reports.**

15

1           (a) Except as otherwise provided in subsection (g) of  
2 this section and in addition to other statements required  
3 by this subsection, every candidate shall file a fully  
4 itemized statement of receipts and expenditures at least  
5 seven (7) days before any primary, general or special  
6 election with information required by this subsection  
7 current to the fourteenth day before the election. Except  
8 as otherwise provided in subsection (g) of this section,  
9 every candidate, whether successful or not, shall file a  
10 fully itemized statement of receipts and expenditures  
11 within ten (10) days after any ~~primary,~~ general or special  
12 election. ~~The statement~~ Every unsuccessful candidate in any  
13 primary election shall file a fully itemized statement of  
14 receipts and expenditures within ten (10) days after the  
15 primary election. Statements under this subsection shall  
16 set forth the full and complete record of receipts  
17 including cash, goods or services and of actual and  
18 promised expenditures, including all identifiable expenses  
19 as set forth in W.S. 22-25-103. The date of each receipt of  
20 twenty-five dollars (\$25.00) or more, any expenditure or  
21 obligation, the name of the person from whom received or to  
22 whom paid and the purpose of each expenditure or obligation  
23 shall be listed. All receipts under twenty-five dollars  
24 (\$25.00) shall be reported but need not be itemized. Should

1 the accumulation of receipts from an individual exceed the  
2 twenty-five dollar (\$25.00) threshold, all receipts from  
3 that individual shall be itemized. Receipts, expenditures  
4 and obligations itemized in a statement filed by a  
5 political action committee, a candidate's campaign  
6 committee or by a political party central committee need  
7 not be itemized in a candidate's statement except by total  
8 with a reference to the statement. ~~The statement~~ Statements  
9 under this subsection shall be filed with those officers as  
10 provided in W.S. 22-25-107. ~~The statement may be filed by~~  
11 ~~facsimile transmission if the original is postmarked on the~~  
12 ~~day the facsimile is sent.~~

13

14 (b) Reports of itemized statements of receipt and  
15 expenditures, and statements of termination shall be made  
16 with the appropriate filing officers specified under W.S.  
17 22-25-107 and in accordance with the following:

18

19 (i) Except as otherwise provided in this  
20 section, any political action committee, candidate's  
21 campaign committee, or any political action committee  
22 formed under federal law or the law of another state that  
23 contributes to a Wyoming political action committee or to a  
24 candidate's campaign committee, and any other organization

1 supporting or opposing any ballot proposition which expends  
2 any funds in any primary, general or special election shall  
3 file an itemized statement of receipts and expenditures at  
4 least seven (7) days before the election current to the  
5 fourteenth day before the election and shall also file a  
6 statement of receipts and expenditures within ten (10) days  
7 after ~~the~~ a general or special election;

8  
9 (ii) A committee formed after an election to  
10 defray campaign expenses incurred during a previous  
11 election and any political action or candidate's campaign  
12 committee which has previously filed a statement of  
13 receipts and expenditures and has not filed a statement of  
14 termination shall file an itemized statement of receipts  
15 and expenditures on ~~July 1 and~~ December 31 of each  
16 odd-numbered year;

17  
18 (iii) All candidates and committees shall  
19 continue to make the ~~biannual~~ reports required under this  
20 subsection until the committee terminates and the candidate  
21 or committee files a statement of termination with the  
22 appropriate filing officer. A statement of termination may  
23 be filed upon retirement of all debts;

24

1           (c) All statements required by subsection (b) of this  
2 section shall be signed by both the chairman and treasurer.  
3 The statements shall set forth the full and complete record  
4 of receipts including cash, goods or services and of actual  
5 and promised expenditures. The date of each receipt of  
6 twenty-five dollars (\$25.00) or more, any expenditure or  
7 obligation, the name of the person from whom received or to  
8 whom paid and the purpose of each expenditure or obligation  
9 shall be listed. Nothing in this subsection shall be  
10 construed to require the disclosure of the names of  
11 individuals paid to circulate an initiative or referendum  
12 petition. All receipts under twenty-five dollars (\$25.00)  
13 shall be reported but need not be itemized. Should the  
14 accumulation of receipts from an individual exceed the  
15 twenty-five dollar (\$25.00) threshold, all receipts from  
16 that individual shall be itemized. If the receipts,  
17 expenditures or obligations were for more than one (1)  
18 candidate, the amounts attributable to each shall be  
19 itemized separately. ~~The statement may be filed by~~  
20 ~~facsimile transmission if the original is postmarked on the~~  
21 ~~day the facsimile is sent.~~

22

23           (d) The chairman of each political party central  
24 committee for the state or county, or an officer of the

1 party designated by him, shall file an itemized statement  
2 of receipts of twenty-five dollars (\$25.00) or more, and  
3 any expenditures and obligations. ~~The itemized statement~~  
4 ~~shall be filed.~~ The statement ~~may~~ shall be filed ~~by~~  
5 ~~facsimile transmission~~ within ten (10) days after a general  
6 or special election. ~~provided an original signed statement~~  
7 ~~is sent by mail on the same day.~~ The statement shall report  
8 all receipts, expenditures and obligations relating to  
9 campaign expenses, including normal operating expenses. All  
10 receipts under twenty-five dollars (\$25.00) shall be  
11 reported but need not be itemized. Should the accumulation  
12 of receipts from an individual exceed the twenty-five  
13 dollar (\$25.00) threshold, all receipts from that  
14 individual shall be itemized. It shall attribute all  
15 campaign receipts, expenses and obligations to a specific  
16 candidate only if the campaign receipts, expenses and  
17 obligations can be specifically identified to that specific  
18 candidate to the exclusion of other candidates on the  
19 ticket. A copy of the statement shall be furnished to each  
20 candidate identified in the statement within ten (10) days  
21 after the general or special election.

22

23 **22-25-107. Where statements to be filed.**

24

1 (a) All statements required ~~under W.S. 22-25-101,~~  
2 ~~22-25-102 and 22-25-106~~ under this chapter shall be filed  
3 as follows:

4  
5 (b) Statements required to be filed at least seven  
6 (7) days before any primary, general or special election  
7 may be filed by facsimile transmission without the original  
8 signatures. Statements required to be filed after any  
9 primary, general or special election may be filed by  
10 facsimile transmission provided that an original with the  
11 required signatures is postmarked on the day the facsimile  
12 is sent.

13  
14 (c) Any statement required under this chapter to be  
15 filed with:

16  
17 (i) The secretary of state, may be filed  
18 electronically as provided under W.S. 9-2-2501 if the  
19 secretary of state has adopted rules which allow for the  
20 electronic filing;

21  
22 (ii) A county clerk, may be filed electronically  
23 if the board of county commissioners has adopted rules

1 consistent with the requirements of W.S. 9-2-2501 which  
2 allow for electronic filing.

3

4 ~~(b)~~ (d) Whenever "county clerk" is used in this  
5 chapter, it means the county clerk of the county in which  
6 the person resides.

7

8 **22-25-108. Failure of candidate or committee to file**  
9 **statement.**

10

11 (a) A candidate who fails to file, within the time  
12 required, a full and complete itemized statement of  
13 receipts and expenditures shall ~~receive a notice by~~  
14 ~~certified mail return receipt requested stating that~~  
15 ~~failure to file the statement within three (3) calendar~~  
16 ~~days of receipt of the notice shall result in a vacancy in~~  
17 ~~nomination or a vacancy in office, as the case may be and~~  
18 ~~may be charged with a criminal offense as provided by W.S.~~  
19 ~~22-26-112~~ have his name printed on a list drafted by the  
20 appropriate filing office specified under W.S. 22-25-107.  
21 The list shall immediately be posted in the filing office  
22 and made available to the public. If ~~he fails~~ a candidate  
23 has failed to file ~~within three (3) calendar~~ a full and  
24 complete itemized statement of receipts and expenditures



1 for more than fourteen (14) days after ~~receipt of notice it~~  
2 is due, he shall not receive a certificate of nomination,  
3 or election, nor shall he enter upon the duties of the  
4 office, as the case may be and may be charged with a  
5 misdemeanor as provided by W.S. 22-26-112. ~~A late filing~~  
6 ~~fee of twenty five dollars (\$25.00) shall accompany all~~  
7 ~~late reports.~~

8  
9 (b) In addition to any other penalty provided by law,  
10 a candidate who fails to file the statement required by  
11 subsection (a) of this section within one (1) month of  
12 ~~receipt of the notice provided~~ the report due date is  
13 ineligible to run as a candidate for any state or local  
14 office for which a statement is required by W.S. 22-25-106  
15 until:

16  
17 (c) Any political action committee which fails to  
18 file a report as required shall be sent notice by the  
19 secretary of state, by certified mail return receipt  
20 requested or personal service in accordance with rule 4 of  
21 the Wyoming Rules of Civil Procedure, stating that failure  
22 to file the statement within three (3) calendar days of  
23 receipt of the notice may result in the filing of criminal  
24 charges against the committee's officers responsible for

1 the filing. ~~A late filing fee of twenty-five dollars~~  
2 ~~(\$25.00) shall accompany all late reports.~~ Any officer of a  
3 political action committee who is responsible for filing a  
4 report and who knowingly and willfully fails to file a  
5 report as required or who knowingly and willfully  
6 subscribes to, makes or causes to be made a false report is  
7 guilty of a felony punishable by imprisonment not to exceed  
8 two (2) years.

9

10 **22-25-109. Reporting candidates in violation.**

11

12 The secretary of state shall report the names of all  
13 candidates in violation of the Election Code of the state  
14 of Wyoming to the attorney general or to the district  
15 attorney for appropriate action. ~~The secretary of state~~  
16 ~~shall publish a list of those persons violating W.S.~~  
17 ~~22-25-106, once in a newspaper in general circulation~~  
18 ~~throughout the state.~~

19

20 **Section 2.** This act is effective January 1, 2003.

21

22

(END)